Stanley Goff, Bar No. 289564
Law Offices of Stanley Goff
15 Boardman Place Suite 2
San Francisco, CA 94103
Telephone: (415) 571-9570
Email: scraiggoff@aol.com

Attorney for Plaintiff Rafael Goins

UNITED STATES DISTICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAFAEL GOINS, Plaintiff, vs. CITY AND COUNTY OF SAN FRANCISCO; DE YOUNG MUSEUM; HUGO GREY AND DOES 1 THROUGH 50 Defendants.	Case No.: COMPLAINT FOR DAMAGES FOR: 1. RETALIATION 2. FAILURE TO ACCOMMODATE DISABILITY 3. HOSTILE WORK ENVIRONMENT

DEMAND FOR JURY TRIAL

I.

PARTIES

1. Plaintiff Rafael Goins brings this action based on the above-stated causes of action.

2. Defendant City and County of San Francisco, is a legal and political entity established under the law of the state of California with all the powers specified and necessarily implied by the Constitution and laws of the State of California.

3. Defendant De Young Museum, is a legal and political entity established under the law of the state of California with all the powers specified and necessarily implied by the Constitution and laws of the State of California.

4. Hugo Grey was employed at the time of these incidents by the City and County of San Francisco and is being sued in his official capacity and individual capacity.

5. The true names of defendants Does 1 through 50 are presently unknown to plaintiff, who therefore sues each of these defendants by such fictitious names. Upon ascertaining the true identity of a defendant DOE, plaintiff will amend this Complaint or seek leave to do so by inserting the true name in lieu of the fictitious name.

II.

STATEMENT OF FACTS

6. On or around 6/5/12 Plaintiff was injured attempting to open a garden gate at the De Young Museum in San Francisco. He applied for workers compensation the same day and was subsequently told that he was going to have to undergo surgery for his injury. The Defendant fought their own doctors delaying Plaintiff's surgery. The Plaintiff worked under special work orders for six months and during that time no reasonable accommodations were given.

7. When Hugo Grey who was a manger over the Plaintiff was the director at the tried to illegally put me on sick leave restriction my union rep explain stop that, as a result Plaintiff was told there is no longer any light duty and he would be sent home.

8. The Plaintiff was subsequently granted surgery on 04/29/14, the doctor told Plaintiff if the defendant had not waiting so long in approving the surgery he could have fully repaired the Plaintiff's shoulder, but he was going to try his best. The injury was worst then the MRI had shown and metal was added to the Plaintiff's shoulder.

9. A QME was done in Oct of 2014, and it stated that the Plaintiff was permanently disabled. The defendant City of San Francisco (aware of Plaintiff's disability) offered the Plaintiff his position back in December of 2014.

10. When The Plaintiff returned to active duty on Jan 14, 2015 he was summoned into an unscheduled meeting with Mr. Hugo Grey and was told by Hugo Grey that he was back in charge and he was not "gonna take my shit this time around." At this meeting, the Plaintiff who is a union had had no union representative present at this meeting and there were two supervisors there as well.

11.The Plaintiff was given a letter regarding this meeting several days later. Two weeks after this incident, the Plaintiff was called into another meeting and this time he was told to bring his union representative.

12. When the Plaintiff and his union representative arrived to this meeting, he was yelled at, called profane names and was reprimanded by Hugo Grey regarding a work action by the Plaintiff that another supervisor had supervised and allowed.

13. After this meeting in which the Plaintiff was harassed in a hostile manner by Hugo Grey, the Plaintiff became to suffer extreme levels of stress and anxiety.

14. The went to see a doctor for this emotional stress and the doctor issued written orders that Hugo Grey was to stay way from him. The management was made aware of these orders and had full notice. However, almost immediately after being given notice to stay away from the Plaintiff, Hugo Grey began stalking the Plaintiff throughout the work site and separate occasions followed the Plaintiff in the non-management staff's separate break room and during lunch breaks. Also, on more than one occasion without justification, Hugo Grey located the Plaintiff while the Plaintiff was working at his security post and harassed the Plaintiff.

15. The Plaintiff then obtained another doctors note from a workers compensation therapist to have Hugo Grey stay away from him. Hugo Grey then had the Plaintiff's disability restrictions changed, preventing the Plaintiff from working his normally allotted hours and hindering his ability to pay his rent and other personal bills.

16. To resolve this problem, the Plaintiff officially asked to be given reasonable accommodations due to his disability. The Plaintiff was then informed by Human Resources Manager Charlie Castillo that his request was denied. The Plaintiff timely filed a complaint with the EEOC and obtained a right to sue letter.

FIRST CAUSE OF ACTION

RETALIATION IN VIOLATION OF THE ADA

17. The Plaintiff alleges that he was engaging in conduct protected under the ADA when he requested to be given reasonable accommodations for his disability;

18. That due to this request the plaintiff was subjected to an adverse employment action at the time, or after, the protected conduct occurred because his placed on job restriction in a manner that adversely affected the allotment of hours he could work which hindered is ability to pay his rent and bills;

19. That there was a causal link between the protected activity of Plaintiff requesting reasonable accommodations and the adverse employment action of being denied work hours]; and

20. The plaintiff's protected activity of requesting reasonable accommodations for his disability was a motivating factor in this adverse employment action.

IV.

SECOND CAUSE OF ACTION

FAILURE TO ACCOMMODATE

21. Plaintiff alleges that the defendants failed to reasonably accommodate his disability

22. That Plaintiff had a disability;

23. That Defendants knew of Plaintiff's disability;

24. That Plaintiff could have performed the essential functions of the job if Plaintiff had been provided with [reasonable accommodations that he had requested];

25. The [specific accommodations requested] were reasonable; and

Defendant failed to provide [specific accommodation requested] and unreasonably failed to provide any other accommodation.

VII.

THIRD CAUSE OF ACTION

HOSTILE WORK ENVIRONMENT

26. Plaintiff alleges that he was subjected to a hostile work environment based upon his disability in violation of the Title VII of the Civil Rights Act of 1964.

27. That the conduct of Hugo Grey constantly yelling demeaning comments at the Plaintiff and stalking him around the work site despite doctor's orders to stay aware from him, was unwelcome;

28. That the conduct of Hugo Grey constantly yelling demeaning comments at the Plaintiff and stalking him around the work site despite doctor's orders to stay away from him, was offensive;

29. That this conduct complained was directed at the Plaintiff because of his disability;

30. That this conduct complained of was sufficiently severe or pervasive to alter the terms and conditions of the Plaintiff's employment by creating an abusive working environment; [and]

31. That the Defendant knew or should have known about the conduct to which Plaintiff claims he was subjected and failed to implement reasonably prompt and appropriate corrective action.

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANTS as follows:

1. For general and special damages according to proof.
2. For punitive damages according to proof.
3. For attorney fees, unilaterally to PLAINTIFF.
4. For the costs of suit, including expert costs.
5. For such other and further relief as the court deems just and proper

Dated: August 12, 2016

/S/ Stanley Goff

Stanley Goff Esq.,
Attorney for Plaintiff Rafael Goins